IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 439 OF 2005

VITHAL KAPILESHWARKAR, PONDA GOA. ....Petitioner

Versus

SMT. TAEE SONU NAIK AND 4 ORS., ...Respondents

Shri R. G. Ramani, Advocate for the Petitioner.
Ms. Amira Razaq, Advocate for the Respondents.

Coram:- R.M.S. KHANDEPARKAR, J.

Date:- 2nd March, 2006

P.C.:

On oral motion by learned Advocate for the Petitioner, in order to enable the Petitioner to approach the executing Court with a fresh application for execution in accordance with the provisions oflaw, the petitioner craves leave to withdraw the petition.

The petitioner is accordingly allowed to withdraw the petition with liberty to approach the executing Court with the appropriate application for execution proceedings. Needless to say that the observations made in the impugned order regarding filing of the previous applications as well as the application which was dealt with by the impugned order, cannot come in the way in filing fresh application for execution proceedings. Merely because an application for execution has been dismissed, it does not bar a second application for execution, provided that such application is filed within the period of limitation.

With these observations the petition is accordingly allowed to be withdrawn and stands disposed of accordingly.

R.M.S. KHANDEPARKAR, J.

sl.